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# United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1551–1575

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 6, 1937]

**1551. Adulteration and misbranding of derris. U. S. v. R. J. Prentiss & Co., Inc. Plea of guilty. Fine, $100.** (I. & F. No. 1941. Sample No. 53975–B.)

This product was represented to be derris, which contained a minimum of 5 percent of rotenone, but which in fact consisted of cube root containing less than 5 percent of rotenone.

On March 24, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against R. J. Prentiss & Co., Inc., New York, N. Y., alleging shipment by said company on or about July 23, 1935, from the State of New York into the State of Delaware of a quantity of derris, which was an adulterated and misbranded insecticide other than paris green and lead arsenate within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement "Derris" borne on the barrels containing it represented that the said barrels contained derris; whereas they did not contain derris but another substance, cube root, had been substituted for derris. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to contain a minimum of 5 percent of rotenone; whereas it contained rotenone in a proportion much less than 5 percent.

It was alleged to be misbranded in that the statements "Derris Min. 5% Rotenone," borne on the barrels containing it, were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead purchasers since the barrels did not contain derris but did contain another substance, namely, cube root; and the article did not contain 5 percent of rotenone but did contain much less than 5 percent of rotenone.

On May 10, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1552. Adulteration and misbranding of carbolic acid. U. S. v. Samuel Goldstein (Taylor's Pharmacy). Plea of guilty. Fine, $10.** (I. & F. No. 1958. Sample No. 74805–B.)

This product was represented to consist solely of carbolic acid but consisted of a mixture of carbolic acid and an undeclared inert ingredient, water.

On April 24, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Goldstein, trading as Taylor's Pharmacy, Washington, D. C., charging sale by said defendant in the District of Columbia on or about June 25, 1936, of a quantity of carbolic acid which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to consist solely of carbolic acid; whereas it consisted of a mixture of carbolic acid and water.

It was alleged to be misbranded in that the statement "Carbolic Acid," borne on the bottle label, was false and misleading and by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the article consisted solely of carbolic acid; whereas it consisted of a mixture of carbolic acid and water. The article was alleged to be misbranded further in that it consisted partially of an inert substance, namely, water, and the name and percentage amount of said inert substance were not stated plainly and correctly or at all on the label affixed to the bottle containing the article; nor in lieu thereof were the name and the percentage amount of each substance or ingredient of said article having fungicidal (bactericidal) properties and the total percentage of the inert substance present therein stated plainly and correctly on the bottle label.

The information charged that the article also was adulterated in violation of the Food and Drugs Act and misbranded in violation of the Federal Caustic Poison Act, reported in notice of judgment No. 27251 published under the former act and notice of judgment No. 75 published under the latter act.

On April 24, 1937, the defendant entered a plea of guilty and the court imposed a fine of $10 covering all charges.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1553. Adulteration and misbranding of carbolic acid. U. S. v. Walter N. Bradshaw (The Mayflower Pharmacy). Plea of guilty. Fine, $10. (I. & F. No. 1959. Sample No. 74762–B.)**

This product was sold as carbolic acid but consisted in part of an undeclared inert substance, water.

On April 7, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Walter N. Bradshaw, trading as the Mayflower Pharmacy, Washington, D. C., charging sale by said defendant in the District of Columbia on or about June 26, 1936, of a quantity of carbolic acid which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be pure carbolic acid, whereas it consisted in part of water.

It was alleged to be misbranded in that the statement "Carbolic Acid," borne on the bottle label, was false and misleading and by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since it did not consist of pure carbolic acid but did consist of a mixture of carbolic acid and water. It was alleged to be misbranded further in that it consisted partially of an inert substance, namely, water, and the name and percentage amount of the inert substance were not stated plainly and correctly on the bottle label; nor in lieu thereof were the name and percentage amount of each substance or ingredient having fungicidal (bactericidal) properties and the total percentage of the inert substance present stated plainly and correctly on the label.

The information charged that the article also was adulterated in violation of the Food and Drugs Act and misbranded in violation of the Federal Caustic Poison Act, reported in notice of judgment No. 27252 published under the former act and notice of judgment No. 76 published under the latter act.

On April 7, 1937, the defendant entered a plea of guilty and the court imposed a fine of $10, which covered all charges.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1554. Misbranding of carbolic acid. U. S. v. Morris Citrenbaum (Park View Pharmacy). Plea of guilty. Fine, $10. (I. & F. No. 1960. Sample No. 74727–B.)**

This product was represented to consist solely of carbolic acid but consisted of a mixture of carbolic acid and an undeclared inert substance, water.

On April 7, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Morris Citrenbaum, trading as the Park View Pharmacy, Washington, D. C., charging sale by said defendant in the District of Columbia on or about June 27, 1936, of a quantity of carbolic acid which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The artcle was alleged to be misbranded in that the statement "Carbolic Acid," borne on the bottle label, was false and misleading and by reason of said statement it was labeled so as to deceive and mislead the purchaser, since it did not consist of carbolic acid, but did consist of a mixture of carbolic acid and

water. Misbranding was alleged for the further reason that it consisted of a partially inert substance, namely, water, and the name and percentage amount of the inert ingredient were not stated plainly and correctly on the bottle label; nor in lieu thereof were the name and percentage amount of the substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substance contained in the article stated plainly and correctly on the label.

The information charged that the article also was adulterated in violation of the Food and Drugs Act and misbranded in violation of the Federal Caustic Poison Act, reported in notice of judgment No. 27253, published under the former act and notice of judgment No. 77 published under the latter act.

On April 7, 1937, the defendant entered a plea of guilty and the court imposed a fine of $10, which covered all charges.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1555. Adulteration and misbranding of carbolic acid. U. S. v. Tower Pharmacy, Inc. Plea of guilty. Fine, $10.** (I. & F. No. 1956. Sample No. 74767-B.)

This product was sold as carbolic acid but consisted in part of an undeclared inert substance, water.

On May 5, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tower Pharmacy, Inc., trading at Washington, D. C., charging sale by said defendant in the District of Columbia on or about June 26, 1936, of a quantity of carbolic acid which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to be carbolic acid, whereas it consisted of a mixture of carbolic acid and water.

It was alleged to be misbranded in that the statement "Carbolic Acid," borne on the bottle label, was false and misleading and by reason of said statement it was labeled so as to deceive and mislead the purchaser since it did not consist of carbolic acid but did consist of a mixture of carbolic acid and water; misbranding was alleged for the further reason that the article consisted partially of an inert substance, namely, water, and the name and the percentage amount of the said inert substance were not stated plainly and correctly or at all on the label affixed to the bottle containing the article; nor, in lieu thereof, were the name and the percentage amount of each substance or ingredient having fungicidal (bactericidal) properties and the total percentage of the inert substances present therein stated plainly and correctly on the bottle label.

The information charged that the article also was adulterated in violation of the Food and Drugs Act and misbranded in violation of the Federal Caustic Poison Act, reported in notice of judgment No. 27254 published under the former act and notice of judgment No. 64 published under the latter act.

On May 5, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $10, which covered the charges under the three acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1556. Misbranding of Apco Nos. 20, 22, 25, 30, and 40. U. S. v. Ampere Products Co. Plea of guilty. Fine, $25 on each count. Fine suspended on all counts but the first and defendant placed on probation.** (I. & F. No. 1912. Sample Nos. 43734-B, 43735-B, 43736-B, 44076-B, 44077-B.)

The labels of these products contained false and misleading claims regarding their sterilizing, antiseptic, and disinfectant properties, and other misrepresentations. They contained inert ingredients which were not declared on the labels, as prescribed by the law.

On August 26, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ampere Products Co., a corporation, West Orange, N. J., alleging shipment by said company on or about April 17, September 19, and November 30, 1935, from the State of New Jersey into the State of Massachusetts of quantities of a product labeled "Apco" and variously designated as Nos. 20, 22, 25, 30, and 40, which were fungicides and a part of which were insecticides within the meaning of the Insecticide Act of 1910.

The Apco No. 20 was alleged to be misbranded in that certain statements on the labels and in accompanying circulars were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead purchasers since they represented that the article when used as directed, would sterilize and

would act as an effective disinfectant against bacteria and would act as a disinfectant for refrigerators, glassware, windows, mirrors, kitchen tables, restaurants, etc., would keep garbage cans free from flies, would keep toilet rooms free from germs and would destroy all germs and would sterilize, would disinfect drinking utensils, roosts, and dropping boards, udders, teats and inside of flanks, drinking and eating troughs, and hog pens; that the article was 10 times stronger in germ-killing power than carbolic acid or bichloride solution and that it was nonpoisonous; whereas the article when used as directed, would not sterilize and would not act as an effective disinfectant against bacteria and would not disinfect refrigerators, glassware, windows, mirrors, kitchen tables, restaurants, etc., it would not keep garbage cans free from flies, it would not destroy all germs and would not sterilize when used in and about livestock, poultry, and dairies, would not disinfect drinking utensils, roosts, and dropping boards, udders, teats and inside of flanks, drinking and eating troughs, it would not be 10 times stronger in germ-killing power than carbolic acid or bichloride solution, and it was poisonous. The Apco No. 25 was alleged to be misbranded in that certain statements on the label affixed to the jugs were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article would kill anthrax spores in 2 minutes, would disinfect artificial teeth and would act as an effective antiseptic and germicide in the dilution of 5 drops of the article to 1 glass of water whereas the article would not kill anthrax spores in 2 minutes and when used as directed, it would not disinfect artificial teeth and would not act as an effective antiseptic and germicide in the dilution of 5 drops to 1 glass of water. The Apco No. 22 was alleged to be misbranded in that certain statements in the label were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser since they represented that when used as directed, it would sterilize, disinfect, and keep garbage cans free from flies; whereas when used as directed, it would not sterilize, would not disinfect, and would not keep garbage cans free from flies. The Apco No. 30 was alleged to be misbranded in that certain statements on the label were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser since they represented that the article would act as a sterilizer and as an effective treatment to kill bacteria, and when used in a solution as a rinse, as directed on the label, would disinfect milk bottles; whereas it would not act as a sterilizer, it would not act as an effective treatment to kill bacteria, and it would not disinfect milk bottles when used as a rinse in the solution specified on the label. The Apco No. 40 was alleged to be misbranded in that certain statements on the label were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser since they represented that the article when used as directed, would act as a sterilizer and would completely sterilize yeast-presses; whereas when used as directed, it would not act as a sterilizer and would not completely sterilize yeast-presses. The articles were alleged to be misbranded further in that they consisted partially of inert substances, namely, substances other than sodium hypochlorite, and the name and percentage amount of each and every substance present were not stated plainly and correctly on the labels; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) or insecticidal properties and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the labels.

The information charged that the Apco No. 20 was misbranded further in violation of the Food and Drugs Act reported in notice of judgment No. 27351 published under that act.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25 on each of the 11 counts of the information. Fines on all counts but the first were ordered suspended and the defendant was placed on probation for a period of 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1557. Adulteration and misbranding of Spratt's Mitalene. U. S. v. Spratt's Patent, Ltd. Plea of guilty. Fine, $50.** (I. & F. No. 1985. Sample No. 4245–C.)

This product contained water in excess of the amount declared. It was labeled to indicate that water was the only inert ingredient, whereas it contained an inert ingredient other than water.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court

an information against Spratt's Patent, Ltd., a corporation having a place of business at Newark, N. J., alleging shipment by said defendant on or about June 11, 1936, from the State of New Jersey into the State of California of a quantity of Spratt's Mitalene which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "Inert Ingredient Water 87%"; whereas it contained an inert ingredient, water, in a proportion greater than 87 percent.

It was alleged to be misbranded in that the statement "Inert Ingredient Water 87%," borne on the bottle label, was false and misleading and by reason of the said statement it was labeled so as to deceive and mislead the purchaser, since it represented that the article contained water only as an inert ingredient, and contained water in a proportion not more than 87 percent; whereas it contained water in a proportion greater than 87 percent and it contained an inert ingredient or igredients other than water.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1558. Misbranding of Moth Gas Liquid Frost. U. S. v. 15 Dozen Bottles of Moth Gas Liquid Frost. Default decree entered. Product distributed to charitable institutions.** (I. & F. No. 1987. Sample Nos. 27581–C, 27643–C.)

This product was short in volume.

On April 17, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 dozen bottles of Moth Gas Liquid Frost at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about March 10, 1937, by the Lewy Chemical Co. from New York, N. Y., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged to be misbranded in that the statement "1 quart," borne on the bottle label, was false and misleading since the bottles did not contain 1 quart but showed an average shortage of 6.31 percent.

On June 14, 1937, no claimant having appeared, judgment was entered ordering that the marshal remove the labels or destroy the containers and distribute the product to charitable institutions.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1559. Adulteration and misbranding of High-Jene. U. S. v. James G. Lander. Plea of guilty. Fine, $1.** (I. & F. No. 1918. Sample No. 56146–B.)

This product, which was represented as an odorless dry cleaner and flea powder for dogs and cats, contained a smaller proportion of active ingredients and a larger proportion of inert ingredients than declared on the label.

On March 12, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James G. Lander, Marion, Ind., alleging shipment by said defendant on or about November 1, 1935, from the State of Indiana into the State of Ohio of a quantity of High-Jene, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, since the can label bore the statement, "active ingredients: tuba toxin and allied compounds 2.7%, inert matter 97.3%"; whereas the article contained active ingredients, namely, tuba toxin and allied compounds, in a proportion of less than 2.7 percent and inert matter in a proportion greater than 97.3 percent.

It was alleged to be misbranded in that the statements, "active ingredients: tuba toxin and allied compounds 2.7%, inert matter 97.3%", borne on the can label, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead purchasers, since it contained active ingredients, namely, tuba toxin and allied compounds, in a proportion less than 2.7 percent and inert matter in a proportion greater than 97.3 percent.

On May 7, 1937, the defendant entered a plea of guilty and the court imposed a fine of $1.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1560. Adulteration and misbranding of Penn-O-Pine. U. S. v. Rockland Chemical Co., Inc. Plea of guilty. Fine, $25. (I. & F. No. 1897. Sample No. 67379–B.)**

This product contained inert matter (water) in excess of the amount declared on the label.

On July 6, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rockland Chemical Co., Inc., a corporation organized under the laws of New Jersey, alleging shipment by said company on or about November 15, 1935, from Newark, N. J., into the State of Pennsylvania of a quantity of Pen-O-Pine, which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "Inert matter 9½ per cent water"; whereas it contained water in a proportion much greater than 9½ percent.

It was alleged to be misbranded in that the statement, "Inert matter 9½ per cent water", borne on the carton label, was false and misleading and by reason of the said statement, the article was labeled so as to deceive and mislead the purchaser, since it contained water in a proportion much greater than 9½ percent.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of $25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1561. Misbranding of Magic Stock Spray. U. S. v. Allied Drug Products Co. Plea of guilty. Fine, $75. (I. & F. No. 1963. Sample No. 62996–B.)**

The labeling of this product contained false and misleading representations regarding its effectiveness in the control of flies and other pests that annoy livestock.

On March 3, 1937, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Allied Drug Products Co., a corporation trading at Chattanooga, Tenn., alleging shipment by said company on or about April 21, 1936, from the State of Tennessee into the State of West Virginia of a quantity of Magic Stock Spray, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, borne on the bottle label, "Magic Stock Spray * * * Kills Stable Flies, Horse Flies, Horn Flies * * * Gnats, Wolves, * * * Flies are not only a torment but carry and spread disease. * * * Apply Magic (Stainless Brand) Stock Spray, full strength, over the animal. Use a good Spray Gun and give careful attention to spraying on head, legs, sides and under body. * * * It adds very much to the comfort of Live Stock, to spray barns and stalls daily. Repels * * * Horse Flies * * * Wolves * * * Flies are not only a torment but carry and spread disease," together with the picture of a cow being tormented by flies and a picture of a second cow being not so tormented, also borne on the bottle label, were false and misleading, and were borne on the said label so as to deceive and mislead purchasers, in that they represented that the article when used as directed, would be effective in killing stable flies, horse flies, horn flies, gnats, and the flies known as "wolves"; that it would give comfort to livestock when sprayed on barns and stalls daily, would be effective as a repellent against horse flies and "wolves" that attack or annoy livestock, would be effective in preventing annoyance and attack of cattle by all species of flies, as implied by the pictures on the label; whereas when used as directed, it would not be effective for the said purposes.

On April 26, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1562. Misbranding of Termox Disinfectant. U. S. v. Termo Chemical Co., Inc. Plea of guilty, Fine, $50. (I. & F. No. 1964. Sample No. 5540–C.)**

The labeling of this product bore false and misleading representations regarding its disinfectant and insecticidal properties. The labeling was further objectionable since the article was represented to have a phenol coefficient of 2 and to

contain water as an inert ingredient; whereas it did not contain water and the bacteriological method of test was not applicable to the article because of its physical nature.

On June 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Termo Chemical Co., Inc., Chicago, Ill., alleging shipment by said company on or about June 6, 1936, from the State of Illinois into the State of Ohio of a quantity of Termox Disinfectant, which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Phenol Coefficient 2.0 Inert Ingredients—Water 10%," borne on the bottle label, were false and misleading and were borne on said label so as to deceive and mislead purchasers in that they represented that the article possessed a phenol coefficient of 2 and contained an inert ingredient, namely, water, in the proportion of 10 percent; whereas it did not possess a phenol coefficient of 2 since it was of such a physical nature that it was not emulsifiable or miscible in water, the bacteriological method of test was not applicable to the product, and it did not contain any water.

It was alleged to be misbranded further in that the following statements, "Disinfectant * * * uses and directions for garbage cans, cuspidors, lavatories, urinals, etc.—One cup to gallon of water. Sick room—One tablespoonful to each gallon of water. Roaches, bed bugs, ants, fleas, etc.—One tablespoonful to a pint of water," were false and misleading and were borne on said label so as to deceive and mislead the purchasers since they represented that it was a practical disinfectant and would disinfect garbage cans, cuspidors, lavatories, urinals, etc., and sick rooms when used as directed; and would act as an effective insecticide against roaches, bed bugs, ants, fleas, etc. when used as directed; whereas it would not be effective for the said purposes when so used.

On July 6, 1937, a plea of guilty was entered on behalf of defendant and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1563. Misbranding of Moon-Shine Washing Fluid. U. S. v. John Cordillo and Patsy Santonio (Moon-Shine Chemical Co.). Pleas of guilty. Fines, $50 and costs.** (I. & F. No. 1861. Sample No. 20810–B.)

The labeling of this product bore false and misleading claims regarding its effectiveness in killing germs and bacteria and its effectiveness in the control of fleas and in the treatment of mange on dogs.

On April 30, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Cordillo and Patsy Santonio, copartners trading as the Moon-Shine Chemical Co., Pittsburgh, Pa., alleging shipment by said defendants on or about December 10, 1934, from the State of Pennsylvania into the State of Ohio of a quantity of Moon-Shine Washing Fluid, which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Germ Killer * * * in the bath * * * One-half cup of Moon-Shine to a bathtub half full of water * * * kills the bacteria which produces odors. * * * Fleas * * * Use three tablespoonfuls of Moon-Shine to each gallon of soap water. Bathe dog and rinse * * * Mange: Use three tablespoonfuls of Moon-Shine to each gallon of soap water. Bathe dog and rinse," borne on the bottle label, were false and misleading and by reason of said statements, it was labeled so as to deceive and mislead the purchaser since they represented that when used as directed, it would kill all germs, would kill all bacteria that produce odors, and would act as an effective insecticide against fleas and as an effective treatment for all varieties of mange on dogs; whereas when used as directed, it would not kill all germs, would not kill all bacteria that produce odors, would not act as an effective insecticide against fleas, and would not act as an effective treatment for all varieties of mange on dogs.

On May 21, 1936, pleas of guilty were entered and the court imposed a fine of $25 against each defendant, and assessed costs to be divided equally.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1564. Misbranding of G. L. F. Quality Insecticide. U. S. v. The Cooperative G. L. F. Mills, Inc. Plea of guilty. Fine, $50.** (I. & F. No. 1954. Sample No. 7302–C.)

This product contained arsenic in combination and in the elemental form; and its label failed to state the amount of arsenic present, and the amount of arsenic in water-soluble form, expressed as percentum of metallic arsenic. The label also failed to indicate the inert substances or ingredients present in the article.

On December 21, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cooperative G. L. F. Mills, Inc., North Collins, N. Y., alleging shipment by said defendant on or about July 6, 1936, from the State of New York into the State of Pennsylvania of a quantity of G. L. F. Quality Insecticide, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it contained arsenic in combination and in the elemental form, and the total amount of arsenic so present and the total amount of arsenic in water-soluble form, expressed as percentum of metallic arsenic, were not stated on the label.

It was alleged to be misbranded further in that it consisted partially of inert substances, namely, substances other than calcium arsenate and the name and percentage amount of the inert substances so present therein were not stated plainly and correctly on the label affixed to the bag containing it; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal properties and the total percentage of the inert substances so present therein stated plainly and correctly on the label.

On July 20, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1565. Misbranding of Crefenol. U. S. v. American Oil & Disinfectant Corporation. Plea of guilty. Fine, $50.** (I. & F. No. 1909. Sample No. 50905–B.)

This product contained an inert ingredient and its label failed to indicate the name and percentage amount of the said inert ingredient so present.

On August 5, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Oil & Disinfectant Corporation, trading at Nutley, N. J., alleging shipment by said company on or about December 5, 1935, from the State of New Jersey into the State of New York of a quantity of Crefenol, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance, namely, water, and the name and percentage amount of the said inert substance were not stated plainly and correctly, or at all, on any label borne on or affixed to the drum containing the article; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substance contained therein stated plainly and correctly, or at all, on any label borne on or affixed to the said drum.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1566. Misbranding of Creolol Disinfectant, White Tar Vaporizer, and Handy Vaporizer. U. S. v. The White Tar Co. of New Jersey, Inc. Plea of guilty. Fine, $50.** (I. & F. No. 1974. Sample Nos. 67449–B, 67450–B, 11856–C.)

This case involved Creolol Disinfectant which had a lower phenol coefficient than represented; also White Tar Vaporizer and Handy Vaporizer, the labeling of which contained false and misleading representations regarding their effectiveness in the control of moths.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the White Tar Co. of New Jersey, Inc., Kearney, N. J., alleging shipment by said company in violation of the Insecticide Act of 1910 on or about March 30 and June 25, 1936, from the State of New Jersey into the State of Rhode Island of a quantity of Creolol, which was a misbranded fungicide; and on or about March 30 and April 9, 1936, from the State of New

Jersey into the State of Pennsylvania of quantities of White Tar Vaporizer and Handy Vaporizer, which were misbranded insecticides.

The Creolol Disinfectant was alleged to be misbranded in that the statement "Coef. 4 plus F. D. A. Test," borne on the label of the drum containing the article, was false and misleading and was borne on said label so as to deceive and mislead the purchaser since the said statement represented that the article possessed a phenol coefficient of 4 plus F. D. A. method; whereas it possessed a phenol coefficient much lower than 4 plus when tested by the F. D. A. method. The remaining products were alleged to be misbranded in that the following statements borne on the labels were false and misleading and were borne on the said labels so as to deceive and mislead the purchaser since they represented that the articles when used as directed, would act as effective insecticides against clothes moths, whereas they would not act as effective insecticides against clothes moths when used as directed: (White Tar Vaporizer) "Kills Clothes Moths and Larvae * * * Directions: Remove both covers. Hang in container by means of metal loop or with special wire hook as pictured; or place in container. First thoroughly brush the articles to be stored. Place garments, woolens, etc., in an airtight closet, wardrobe, trunk or garment bag. Use one White Tar Vaporizer for every 35 cubic feet of totally enclosed space. Close tightly": (Handy Vaporizer) "Kills Clothes Moths and Larvae * * * Directions: Remove both covers and hang by loop or place in container. First thoroughly brush the articles to be stored. Place garments, woolens, etc., in an airtight closet, wardrobe, trunk or garment bag. Use one Camphorated Vaporizer for every 15 cubic feet of totally enclosed space. Close tightly."

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1567. Adulteration and misbranding of Calgreen. U. S. v. Chipman Chemical Co., Inc. Plea of guilty. Fine, $25.** (I. & F. No. 1972. Sample No. 13316-C.)

This product contained smaller proportions of paris green, tricalcium arsenate, and total arsenic, expressed as metallic, than declared on the label; and it contained inert ingredients in a proportion greater than declared.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chipman Chemical Co., Inc., Bound Rock, N. J., alleging shipment by said company on or about April 21, 1936, from the State of New Jersey into the State of South Carolina of a quantity of Calgreen, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since the label affixed to the drums containing it bore the statements, "Paris Green—not less than 25% Tri-Calcium Arsenate—not less than 50% Inert Ingredients—not more than 25% Total Arsenic (as Metallic)—not less than 28%"; whereas it contained paris green in a proportion less than 25 percent, tricalcium arsenate in a proportion less than 50 percent, and arsenic, expressed as metallic, in a proportion less than 2 percent, and it contained inert ingredients in a proportion greater than 25 percent.

It was alleged to be misbranded in that the statements on the label above-quoted were false and misleading and were borne on said label so as to deceive and mislead the purchaser, since it contained paris green in a proportion less than 25 percent, tricalcium arsenate in a proportion less than 50 percent, arsenic, expressed as a metallic, in a proportion less than 28 percent, and it contained inert ingredients in a proportion greater than 25 percent.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1568. Adulteration and misbranding of Nock Out. U. S. v. William T. Simpkins (Simpkins Manufacturing Co.). Plea of guilty. Fine, $10.** (I. & F. No. 1984. Sample No. 7772-C.)

This product, a garden insecticide, contained smaller proportions of the active ingredients and a larger proportion of the inert ingredients than declared on the label.

On April 29, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against William T. Simpkins, trading as the Simpkins Manufacturing Co., Mount Vernon, Md., alleging shipment of said defendant, on or about April 8, 1936, from the State of Maryland into the State of Virginia of a quantity of Nock Out, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the carton label bore the statements, "Active Ingredients: Calcium arsenate 16% Sulphur 16%. Total arsenic, expressed as Metallic 4.00%. Inert Ingredients: 68%"; whereas it contained less than 16 percent of calcium arsenate, less than 16 percent of sulphur, and total arsenic, expressed as metallic, in a proportion less than 4 percent, and it contained inert ingredients in a proportion greater than 68 percent.

It was alleged to be misbranded in that the statements, "Active Ingredients: Calcium arsenate 16% Sulphur 16% Total arsenic, expressed as Metallic 4.00% Inert Ingredients: 68%," borne on the carton label, were false and misleading and were borne on said label so as to deceive and mislead purchasers, since it contained calcium arsenate and sulphur in proportions less than 16 percent of each, and total arsenic, expressed as metallic, in a proportion less than 4 percent, and it contained inert ingredients in a proportion greater than 68 percent.

On May 20, 1937, the defendant entered a plea of guilty and the court imposed a fine of $10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1569. Misbranding of Bonide Dog-Zop. U. S. v. Bonide Chemical Co., Inc. Plea of guilty. Fine, $20.** (I & F. No. 1952. Sample No. 66448–B.)

This product was an insecticide containing an inert ingredient but its label failed to bear a statement indicating the amount of the inert ingredient, as prescribed by law.

On December 9, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bonide Chemical Co., Inc., Utica, N. Y., alleging shipment by said company on or about April 6, 1936, from the State of New York into the State of New Hampshire of a quantity of a product, labeled "Bonide Dog-Zop Shampoo and Flea Killer," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance or ingredient, namely, water, and the name and percentage amount of said inert substance or ingredient so present therein were not stated plainly, or at all, on the label affixed to the tubes containing the article; nor in lieu thereof were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties and the total percentage of the inert substance or ingredient so present therein stated plainly and correctly on the label.

On December 9, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $20.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1570. Misbranding of Cedar-Wood Moth Fumigators. U. S. v. James G. Lander. Plea of guilty. Fine, $1.** (I. & F. No. 1928. Sample No. 57120–B.)

The labeling of this article bore false and misleading representations regarding its effectiveness against moths and other insects and failed to indicate the inert ingredients present.

On March 12, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James G. Lander, Marion, Ind., alleging shipment by said defendant on or about March 7, 1936, from the State of Indiana into the State of Illinois of a quantity of an article, labeled "Cedar-Wood Moth Fumigators," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements appearing in the labeling, were false and misleading by reason of said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that the article when used as directed, would act as an effective insecticide against clothes moths, ants, roaches, silver bugs, flies, bed bugs, and all other insects in the basement, pantry, ice box and kitchen, and

all other insects; whereas the article, when used as directed, would not be effective for the said purposes: (Package label) "Cedar-Wood Fumigators for Clothes Closets Instant death to Moths and Larvae. * * * Burns like incense and smothers every stage of Moths * * * Directions Burn one piece every week in a cup or saucer, keeping clothes closet door closed"; (circular) "Cedar-Wood Moth and Insect Fumigator Cedarize and Mothproof every clothes closet with Cedar-Wood Fumes Guaranteed Effective or money back Science has proved that fumigation is the only Sure, Quick and Safe method of exterminating Moths and Insects instantly. It burns like incense and is not poisonous to human beings. Moths in Clothes Closets. Never pack away your winter clothes, Woolens and Blankets before fumigating them well first, otherwise if some moth eggs have been laid thereon, you take a big chance, and you may find everything in a terrible condition a few months later. The best and most effective way to fumigate your clothing and Woolens is by placing everything on a chair in the clothes closet and to burn 1 to 3 pieces of Cedar-Wood, keeping the closet door closed for 15 to 20 minutes. The fumes will penetrate your clothing, reach every fold and corner and smother all Moths and Larvae instantly. You may keep your clothes free from Moths and Larvae all the year around by burning one piece of Cedar-Wood in each clothes closet once a week. * * * Moths in Furniture. To fumigate overstuffed Furniture, Piano, etc., infested with Moths, just throw a blanket or bed sheet over each piece of furniture, making sure that the sheet reaches the floor and thereby confining the fumes inside. Then burn 2 or 3 pieces of Cedar-Wood under the sheet and wait 15 or 20 minutes before removing the sheet."

The article was alleged to be misbranded further in that it consisted wholly of substances that were inert when used as directed, and the name and percentage amount of each inert substance present were not plainly and correctly stated on the label affixed to the box containing the article.

On May 7, 1937, the defendant entered a plea of guilty and the court imposed a fine of $1.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1571. Misbranding of Certified Sulphur. U. S. v. 48 Packages and 19 Packages of Certified Sulphur. Default decree of condemnation and destruction.** (I. & F. No. 1983. Sample Nos. 35164–C, 35165–C, 37247–C.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a disinfectant and fumigant when used as directed on the label.

On April 2, 1937, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 packages of Certified Sulphur at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about January 16, 1937, by the Purepac Corporation, New York, N. Y., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the package label, "For disinfecting and fumigating: Prepare by placing live coals or any other intensely heated mass in a suitable container and then throwing on the sulphur," were false and misleading and by reason of said statements it was labeled so as to deceive and mislead the purchaser, since they represented that when used as directed it would act as an effective disinfectant and as an effective fumigant; whereas it would not act as an effective disinfectant or as an effective fumigant when used as directed. The libel charged that the article was also misbranded in violation of the Food and Drugs Act reported in notice of judgment No. 27557, published under that act.

On May 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1572. Misbranding of Steriglass. U. S. v. Napier Emmett Johnson (Steri Products Co.). Plea of guilty. Fine, $50.** (I. & F. No. 1946. Sample No. 7295–C.)

This product was misbranded because of false and misleading representations on the labeling regarding its effectiveness as a sterilizer, and because its label failed to indicate the inert ingredients present.

On December 3, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against Napier Emmett Johnson, trading as the Steri Products Co., Kansas City, Mo., alleging shipment by said defendant on or about May 22, 1936, from the State of Missouri into the State of New York of a quantity of Steriglass, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the label were false and misleading and by reason of said statements, it was labeled so as to deceive and mislead the purchaser, since they represented that the article when used as directed, would sterilize, would kill all germs, would prevent the transfer of all contagious diseases, and would meet pure food specifications for sterilizing purposes; whereas when used as directed, it would not be effective for said purposes: (Label) "Sterilizes * * * Meets Pure Food Specifications Sterilizes Glasses Beer Coils Beer Boxes Ice Boxes Dishes Silverware Pots and Pans Toilets Bath Tubs Milk Bottles Beer Bottles Pop Bottles Milk Pails Cream Separators, Etc. Notice Steriglass kills germs and odors * * * Steriglass meets pure food law specifications for sterilizing purposes Sterilizing (Killing Germs) Beer Glasses And Other Tap Room and Dairy Equipment. Dilute one heaping teaspoon of Steriglass in every two gallons of water. A clean clear water rinse may be used after sterilizing. Sterilize each glass after serving each customer. This meets pure food specifications. * * * Beer Coils (* * * Sterilized). Dilute two heaping teaspoons of Steriglass per gallon of water. Clean coils in the usual manner. Rinse thoroughly with clear water. Clean coils after each full barrel. Scrubbing Floors. Dilute one heaping teaspoon of Steriglass per gallon of water. This solution will clean, sterilize and deodorize your floors"; (circular) "Sterilizes * * * Meets Pure Food Specifications * * * Have Sparkling Sterilized Glasses * * * Steriglass is a unique new powdered chemical compound, manufactured under specific formula, for the express purpose of removing * * * all bacterial matter from beer glasses, beer coils and other tavern and fountain equipment. * * * Steriglass sterilizes glasses and equipment, preventing the transfer of contagious diseases. * * * Steri Glass * * * Sterilizes * * * We * * * Sterilize Glasses Equipment with Steri Glass * * * A $2.00 unit will last the average tavern 90 days, reducing the cost of cleaning and sterilizing glasses and equipment to approximately 2¢ per day, thereby making Steriglass the least expensive of any and all chemical sterilizers * * * Steriglass meets all rigid Federal and State Pure Food Laws, stipulating the use of a sterilizing chemical in washing and rinsing fountain, restaurant and bar equipment."

The article was alleged to be misbranded further in that it consisted partially of inert substances, namely, substances other than sodium hypochlorite and sodium phosphate, and the name and percentage amount of each inert substance present in the article were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances present therein stated plainly and correctly on the label.

On May 13, 1937, the defendant entered a plea of guilty and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1573. Misbranding of Crefenol. U. S. v. L. Sonneborn & Sons, Inc. Plea of guilty. Fine, $25.** (I. & F. No. 1913. Sample No. 41661-B.)

This product contained an inert ingredient and its label failed to indicate the name and percentage amount of said inert ingredient so present.

On August 5, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sonneborn & Sons, Inc., trading at Nutley, N. J., alleging shipment by said company on or about December 3, 1935, from the State of New Jersey into the State of Texas of a quantity of Crefenol, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance, namely, water, and the name and percentage amount of said inert substance were not stated plainly and correctly, or at all, on the label borne on or affixed to the drum containing the article; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article

having fungicidal (bactericidal) properties and the total percentage of the inert substance present stated plainly and correctly, or at all, on the label.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1574. Misbranding of Iowa Roup Remedy. U. S. v. Howard-Iowa Products Co. and William G. Howard. Pleas of nolo contendere. Fine, $40 and costs.** (I. & F. No. 1969. Sample No. 5128–C.)

The labeling of this product bore false and misleading representations regarding its alleged effectiveness in killing mites and lice on fowls and in buildings.

On March 25, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Howard-Iowa Products Co., of Jefferson, Iowa, and William G. Howard, alleging shipment by said defendants on or about January 9, 1936, from the State of Iowa into the State of Minnesota of a quantity of Iowa Roup Remedy, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement, "The fumigating will also kill all the mites and lice that are on the fowls or in the building," borne on the can label, was false and misleading and by reason of said statement, the article was labeled so as to deceive and mislead the purchaser, since it represented that when used as directed, it would kill all the mites and lice on the fowls and all the mites and lice in the building; whereas it would not kill all the mites and lice on the fowls nor would it kill all the mites and lice in the building when used as directed.

The information charged that the article was misbranded further in violation of the Food and Drugs Act, reported in notice of judgment No. 27232 published under that act. On April 16, 1937, the defendants entered pleas of nolo contendere and the court imposed a fine of $20 and costs against each defendant, for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**1575. Misbranding of Fly Trap Insecticide. U. S. v. Albert Granowitter and Sam Edelstein (G. E. Specialty Co.). Pleas of guilty. Fines, $40.** (I. & F. No. 1965. Sample No. 8636–C.)

The labeling of this product bore false and misleading representations regarding its effectiveness in the control of flies and other insects.

On April 30, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert Granowitter and Sam Edelstein, trading as the G. E. Specialty Co., Brooklyn, N. Y., alleging shipment by said defendants on or about May 8, 1936, from the State of New York into the State of New Jersey of a quantity of Fly Trap Insecticide, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Fly-Trap Insecticide Kills * * * Flies and Mosquitoes—Close doors and windows. Spray freely upward in all directions, filling room with vapor. Repeat in 3 minutes if necessary until insects have dropped to the floor. * * * This Insecticide is carefully prepared by our laboratory; it is a destroyer of household insects. * * * This Insecticide is by far the best obtainable preparation for instantly killing mosquitoes, flies, * * * and other insects and their eggs. Where this Insecticide is sprayed no insect can live," borne on the label affixed to the tin containing it, were false and misleading and were borne on said label so as to deceive and mislead the purchaser, since they represented that the article when used as directed, would be effective in the killing of flies, mosquitoes, and all other household insects and their eggs and that insects could not live where the product was sprayed; whereas when used as directed, it would not be effective in killing flies and mosquitoes and all other household insects and their eggs, and most insects could live where the product had been sprayed.

On May 14, 1937, pleas of guilty were entered by the defendants and the court imposed fines in the total amount of $40.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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